IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.8502 OF 2004

Vithal Narayan Bhadake ..Petitioner

Versus

H A L Aircraft Division, Ozar ..Respondents

Mr.V.Z.Kankaria for the petitioner.

Mr.Ramesh Dube Patil for Respondents.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 16.03.2005

PC

. Heard the learned Counsel for the appellant and the learned Counsel for the Respondents.

2. The learned Counsel for the appellant did not dispute that the appellant has no legal right what-so-ever in so far as Survey no.359 within the revenue limits of Ozar village Taluka Niphad, Dist. Nashik is concerned. Once that is the position admitted by the appellant, the order passed by the Estate Officer for the eviction from Survey no.359 cannot be faulted. The order of the Estate officer has been affirmed by the Appellate authority.

3. No case for interference in extra ordinary jurisdiction is made out. It is, however, clarified that the order of eviction passed by the Estate officer and affirmed in appeal by the appellate authority is only with regard to un-authorised occupation in survey no.359.

. Certified copy expedited.

(R.M.LODHA,J)

(R.S.MOHITE,J)